

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 12443 of 2006
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Oral order:

The petitioners are ex-casual contract labourers. They claim to have worked for the respondents through unlicensed contractors. The petitioners earlier filed writ petition in W.P.

No. 15569 of 1998 seeking regularization of their services. This Court by order dated 15.06.1998 disposed of the said writ petition directing the respondents to consider the case of the petitioners for regularization in the posts of Linemen. The respondents having considered the case of the petitioners, vide proceedings dated 06.10.1998, rejected the case of the petitioners on the ground that they have not been provided by a licensed contractor, who is supposed to be issued licence under Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970 read with the A.P. Contract Labour (Regulation and Abolition) Rules, 1971, by the competent authority. As the case of the petitioners for regularization was rejected, they along with others filed writ petition in W.P. No. 1580 of 1999, which a Division Bench of this Court, along with a batch of writ petitions in W.P. No. 1556 of 1999 and batch, by orders dated 04.02.1999, disposed of the same *inter alia* directing that the respondents shall not disqualify from consideration such of the contract labourers, whose services were contracted though unlicensed contractors.

While so, the petitioners state that the 1st respondent by orders dated 28.01.2006 issued clarification to the effect that the Board of AP TRANSCO after careful consideration of the recommendations of the Committee decided to amend the existing para No.6 of BP Ms. No. 271, dated 31.12.1997 to the following effect:

If any Court directions are received after the interviews are conducted to consider the cases of ex-casual labours, Village Electricity Workers and Contract Labour, interviews may be conducted to such cases once in three months commencing from January, 1998 for consideration against 50% of the vacancies existing as on 18.05.1997.

Pursuant to the above clarification, it is the case of the petitioners that on 07.06.2006, the Eastern Power Distribution Company of A.P. Limited, has issued recruitment notification, inviting

applications from eligible male candidates for filling up 1220 vacancies of Junior Linemen on yearly contract basis for all five operation circles of the company. The petitioners state that one B. Surapu Naidu, who is similarly placed as the petitioners, and who earlier filed writ petition along with the petitioners, also filed another writ petition in W.P. No.16136 of 2004, along with three others, seeking consideration of their case for appointment as Junior Linemen against 44 sanctioned vacancies, and this Court by order dated 13.09.2004, disposed of the said writ petition directing the respondents to consider the cases of the petitioners also at the time of filling up the posts of Junior Linemen, sanctioned through order dated 10.02.2004, and pass appropriate orders, and that in pursuance of the said order, his case was considered favourably.

The petitioners now placing reliance on the judgment of the Division Bench of this Court in W.P. No. 1556 of 1999 and batch, dated 04.02.1999, to which they are parties, submit that since the Division Bench of this Court had held that the petitioners should not be disqualified from consideration solely on the ground that their services were contracted by unlicensed contractors, their cases also should be considered for appointment against the 1220 vacancies of Linemen, notified by the Eastern Power Distribution Company of A.P. Limited, vide recruitment notification dated 07.06.2006.

The learned Standing Counsel appearing on behalf of the respondents did not dispute the fact that a Division Bench of this Court had held that the respondents should not disqualify from consideration only the ground that the services of the employment seekers were contracted through unlicensed contractors.

Having heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents, and having regard to the facts and circumstances stated above, and upon perusing the various orders passed by this Court, the recruitment notification, and the clarification issued by respondent No.1, with regard to consideration of cases of those persons who obtained orders from the Court, I deem it appropriate to dispose of the writ petition with the following directions:

The 3rd respondent, namely the Superintending Engineer, Operation Circle, EPDCL, Srikakulam (District), Andhra Pradesh, is directed to consider the cases of the petitioners against 1220

vacancies of Linemen, notified by the Eastern Power Distribution Company of A.P. Limited, vide recruitment notification dated 07.06.2006, without having regard to the fact that the petitioners had worked for the respondents through unlicensed contractors, along with other similarly situated persons, and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J.

Date: 3rd July, 2006.
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